

REMARKS

Claims 1-9 are pending in this application. By this Amendment, claim 1 is amended to further define the presently claimed subject matter and is supported by page 5, lines 9-11 of the specification and Figure 1 of the specification. Claim 1-9 are amended (1) to overcome the 35 U.S.C. §112, second paragraph rejections and (2) to correct typographical and phrasing errors. The amendments to claims 1-9 are supported by at least, page 4, lines 19-29, page 5, lines 9-24, page 6, lines 11-14 and lines 26-28 and Figures 1, 2, 3 and 5 of the specification. Claims 10 and 11 are canceled. No new matter is added by this Amendment.

I. Abstract

The Patent Office objected to the abstract because the title "Apparatus for loading ..." and the text "Figure for abstract" was allegedly superfluous.

As requested by the Patent Office, Applicant has deleted each of these phrases from the Abstract, and have thus submitted a substitute Abstract that includes each of these deletions. The Abstract is further revised to be a single paragraph.

Withdrawal of the objection is respectfully requested.

II. Rejections Under 112, Second Paragraph

Claims 1-11 were rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. Applicant has amended claims 1-9 to delete each of the allegedly indefinite statements and to provide sufficient antecedent basis for the claim terms.

Withdrawal of the rejection is requested.

III. Allowable Subject Matter

Although not specifically indicated as allowable in the Office Action, Applicant infers that claims 2-4 and 6 would be allowable if the rejection under 35 U.S.C. §112, second paragraph, is overcome because claims 2-4 and 6 were not rejected based upon the cited

references. Because the rejections are overcome for the reasons described above, claims 2-4 and 6 are in condition for allowance.

IV. Rejection Under 35 U.S.C. §103(a)

Claims 1, 5 and 7-10 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 4,564,328 ("Loutaty"). Applicant respectfully traverses this rejection.

The Patent Office alleges that Loutaty describes an apparatus for loading vessels with solid particles, the apparatus comprising a bell-shaped tube, a propulsion device that includes gas jets and a distribution device that includes rotating plates. See Office Action, page 4. The Patent Office admits that Loutaty does not describe a number (plurality) of bell-shaped tubes co-axially arranged within one another. However, the Patent Office alleges that it would have been obvious to one of ordinary skill in the art to have provided a number of bell-shaped tubes co-axially arranged within one another because "it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art." See Office Action, pages 4-5. Applicant respectfully disagrees for the following reasons.

First, Applicant respectfully submits that Loutaty does not describe each of the features recited in claim 1. Loutaty merely describes an acceleration device 19 that is comprised of gas jets located above the edge of a single bell-shaped hood 20. See Loutaty, Figure 2. In contrast, Loutaty does not describe an apparatus comprising a propulsion device including apertures or nozzles for producing gas jets that are located below an edge of each of the plurality of bell-shaped tubes for projecting the solid particles in a radially outward direction from a vertical axis of the apparatus, as recited in claim 1.

As such, Loutaty describes an entirely different apparatus with a different structural arrangement from the apparatus recited in claim 1 and thus would not have provided one of

ordinary skill in the art with any reason or rationale to have produced the apparatus recited in claim 1.

Second, Applicant respectfully submits that the subject matter recited in claim 1 does not amount to "mere duplication of the essential working parts" described in Loutaty.

Loutaty does not describe a bell-shaped tube, but a chute 2 with a hood 20 at the bottom of chute 2. See Loutaty, Figure 2. Furthermore, Loutaty describes that the deflection of the particles is carried out by hood 20 and rotating elements 5 and 5', which enable uniform distribution of the particles within the loading vessel. See Loutaty, col. 4, lines 45-49. In other words, Loutaty describes an apparatus using a single hood and rotating elements to repartition the particles within the loading vessel.

However, the repartition of the particles for the apparatus recited in claim 1 is carried by a plurality of co-axial tubes and a distribution device that includes a plurality of rotating plates. As such, the plurality of co-axial tubes create multiple partitions within the apparatus that enables a more uniform repartition of the particles within the vessel.

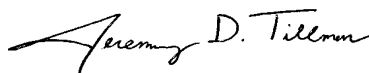
Under the Examiner's line of reasoning, if one having ordinary skill in the art would have duplicated the "essential working parts" described in Loutaty, such a person would have merely arrived at multiple bell-shaped distribution apparatuses, each apparatus provided with a hood, that are arranged at various locations within a vessel. However, Loutaty would not have provided one ordinary skill in the art with a reason or rationale to have arranged the plurality of bell-shaped apparatus in a co-axial manner to form a single apparatus comprised of a plurality of bell-shaped tubes in order to uniformly repartition or distribute the particles within the vessel, as described in the apparatus of claim 1.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Jeremy D. Tillman
Registration No. 62,639

WPB:JDT/hs

Attachment:
Substitute Abstract

Date: March 9, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--